

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TEH SHOU KAO, and T S KAO, INC., on  
behalf of themselves and all others similarly  
situated,

*Plaintiffs,*

v.

CARDCONNECT CORP.,

*Defendant.*

TECH LOUNGE SP, LLC, and THE LAW  
OFFICE OF KEVIN ADAMS, PLLC, on  
behalf of themselves and all others similarly  
situated,

*Plaintiffs,*

v.

CARDCONNECT CORP.,

*Defendant.*

CONSOLIDATED CIVIL ACTION  
NO. 16-5707

**ORDER**

**AND NOW**, this 25th day of February, 2020, upon consideration of Defendant's Motion for a Protective Order (ECF No. 105) and Plaintiffs' response thereto (ECF No. 160) it is **ORDERED** that Defendant's motion is **DENIED**.<sup>1</sup>

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<sup>1</sup> Plaintiffs may discover nonprivileged information that is relevant to the subject matter of the litigation and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

Fed. R. Civ. P. 26(b)(1). Although Plaintiffs' Rule 30(b)(6) deposition notice is not limited to information generated from November 1, 2012 through July 1, 2019 (the stipulated putative class period), Defendant has not shown that

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.

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Plaintiffs seek information outside of Rule 26's boundaries. "Discovery that is relevant to the parties' claims or defenses may also support amendment of the pleadings to add a new claim or defense that affects the scope of discovery." Fed. R. Civ. P. 26(b)(1) advisory committee's note to 2015 amendment. Information that, suitably focused, would be relevant to Plaintiff's claims includes "'other incidents of the same type, or involving the same product'; 'information about organizational arrangements or filing systems'; and 'information that could be used to impeach a likely witness.'" (*Id.*)

Before filing further discovery motions, Counsel are reminded that the Court encourages parties to address routine discovery disputes through the scheduling of a telephone conference prior to filing a motion. *See* Section II.C.2. of the Court's Policies and Procedures (February 2020).